

Appl. No. 10/606,706
Response to Office Action mailed April 7, 2006

R E M A R K S

The Examiner is respectfully requested to acknowledge applicants' claim for priority under 35 USC 119 and receipt of the certified copies of the priority documents.

The Examiner is also respectfully requested to return copies of the Form PTO/SB/08A filed on June 25, 2003 and the Form PTO/SB/08A filed on February 9, 2004, and to indicate thereon that the cited publications were considered and made of record.

Restriction was required under 35 USC 121 as follows:

It was stated on page 2 of the Office Action that this application contains claims directed to the following patentably distinct species of the claimed invention:

a. A non-aqueous electrolyte, and lithium battery comprising said electrolyte, wherein the non-aqueous solvent is (a1) and (b1).

b. A non-aqueous electrolyte, and lithium battery comprising said electrolyte, wherein the non-aqueous solvent is (a1), (b1) and (c1).

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c. A non-aqueous electrolyte, and lithium battery comprising said electrolyte, wherein the non-aqueous solvent is (a1), (c1) and (d1).

d. A non-aqueous electrolyte, and lithium battery comprising said electrolyte, wherein the non-aqueous solvent is (a1) and (c1).

Applicants were required under 35 USC 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. It was stated in the Office Action that currently, no claims are generic.

Applicants elect Group (b) (non-aqueous solvent which includes (a1), (b1) and (c1)), with traverse.

Claims readable on elected Group (b) include claims 3, 4, 8 to 15, 18, 19 and 20 to 30.

The Restriction Requirement is traversed for the following reasons.

The applicants submit that the claims should be considered as follows:

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Restricted groups by the Examiner		Claims considered by the Applicants	
Group	Composition of electrolyte	Corresponding Claims in this case	Composition of electrolyte
a	"a1" + "b1"	Claim 1	"a" ("a1" and "a2")+"b1"
b	"a1" + "b1" + "c1"	Claim 3	"a" ("a1" and/or "a2") + "b1"
c	"a1" + "c1" + "d1"	Claim 5	"a" ("a1" and/or "a2") +{"c1" and/or "c2"} +{"d1" and/or "d2" and/or "d3"}
d	"a1" + c1"	Claim 7	"a" ("a1" and/or "a2") +{"c1" and "c2"}

According to the above table, "a1" mentioned by the Examiner should read "a", "c1" should read ("c1" and/or "c2") and "d1" should read ("d1" and/or "d2" and/or "d3").

If the Examiner requires a further election of species, applicants would elect the following:

"trimethyl phosphate" for "a1",
 "ethylethylene phosphate" for "a2",
 "γ-butyrolactone" for "b1",
 "vinylene carbonate" for "c1" and
 "4-vinylethylene carbonate" for "c2".

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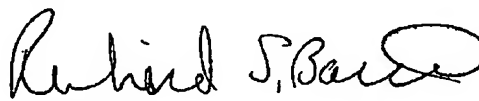
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Reconsideration is respectfully requested.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number indicated below for prompt action.

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Respectfully submitted,



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